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CITY AND COUNTY OF SAN FRANCISCO ET AL.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAWN MYERS and SARAH MYERS,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, a municipal corporation;
HEATHER FONG, in her capacity as
Chief of Police for the CITY AND
COUNTY OF SAN FRANCISCO; JESSE
SERNA, individually, and in his capacity
as a police officer for the CITY AND
COUNTY OF SAN FRANCISCO; GARY
MORIYAMA, individually and in his
capacity as a police officer for the CITY
AND COUNTY OF SAN FRANCISCO;
and San Francisco police officers and
employees, DOES 1 through 50, inclusive,

Defendants.

Case No. C08-01163

**DECLINATION TO PROCEED
BEFORE A MAGISTRATE JUDGE
AND REQUEST FOR
REASSIGNMENT TO A UNITED
STATES DISTRICT JUDGE**

1 Defendants City and County of San Francisco and Chief Heather Fong ("Defendants") decline
2 to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition.
3 Defendants further request the reassignment of this case to a United States District Judge.

4 Dated: April 24, 2008

5 DENNIS J. HERRERA
6 City Attorney
7 JOANNE HOEPER
8 Chief Trial Deputy

9 By: s/Sean Connolly
10 SEAN F. CONNOLLY
11 Deputy City Attorney

12 Attorneys for Defendants CITY AND COUNTY OF
13 SAN FRANCISCO, et al.

PROOF OF SERVICE

I, Pamela Cheeseborough, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the City Attorney's Office of San Francisco, Fox Plaza Building, 1390 Market Street, Fifth Floor, San Francisco, CA 94102.

On April 24, 2008, I served the following document(s):

DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

on the following persons at the locations specified:

Matthew C. Mani, Esq.
Freitas McCarthy MacMahon & Keating LLP
1108 Fifth Avenue, Third Floor
San Rafael, CA 94901
Telephone: (415) 456-7500
Facsimile: (415) 456-0266
(Counsel for Plaintiffs SHAWN MYERS and SARAH MYERS)

in the manner indicated below:

☒ **BY UNITED STATES MAIL:** Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco City Attorney's Office for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

☐ **BY PERSONAL SERVICE:** I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. A declaration from the messenger who made the delivery ☐ is attached or ☐ will be filed separately with the court.

☐ **BY FACSIMILE:** Based on a written agreement of the parties to accept service by fax, I transmitted true and correct copies of the above document(s) via a facsimile machine at telephone number Fax #' to the persons and the fax numbers listed above. The fax transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of the transmission report ☐ is attached or ☐ will be filed separately with the court.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed April 24, 2008, at San Francisco, California.

s/Pamela Cheeseborough
Pamela Cheeseborough